

FILED

SEP 3, 2008

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IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA ex rel.
CLARENCE CHARLES TROTTER,

Petitioner.

v.

TERRY L. MCCANN, Warden,
Stateville Correctional Center,

Respondent.

No. 08 C 2917

The Honorable
Matthew F. Kennelly,
Judge Presiding.

MOTION TO PLACE HABEAS CORPUS PETITION IN ABEYANCE

Now comes Petitioner Clarence Charles Trotter, pro se and respectfully moves this Honorable Court to place the herein Habeas Corpus Proceedings in **abeyance** until state court collateral appellate proceedings are complete.

IN SUPPORT THEREOF:

1. In September 2007 petitioner filed a motion with the Cook County Circuit court requesting that court to 'put post-conviction petition back on call' which the trial court denied December 19, 2007 and the petitioner appealed thereafter.
2. May 14, 2008 petitioner filed a petition for writ of habeas corpus with this Honorable court. Therein petitioner notified this Honorable court that there was a collateral appellate process pending according placing the post conviction petition back on call. (See Habes Petition at p.4.)
3. The appeal process is still pending without briefing thereon.
4. In petitioner's habes corpus petitioner he asked the court to place the habeas proceedings in abeyance until the state appellate process has been completed. (See Habeas petition at p.12.)
5. Respondent has filed an motion to dismiss habeas proceedings based on respondent's belief the petition was untimely filed and no tolling may be obtained thereon.
6. This proceeding should be placed in abeyance until the appellate process has been completed.

Wherefore, respondent's motion to dismiss should be held in abeyance until petitioner completes the appellate process already pending and a order should so be entered.

Respectfully Submitted,

STATE OF ILLINOIS)
WILL COUNTY)
SS

AFFIDAVIT CLARENCE CHARLES TROTTER

Affiant Clarence Charles Trotter duly deposes and says that the facts and statements herein are true and correct in substance and belief to the best of affiant's personal knowledge and belief therein and affiant hereto below so subscribe under penalty as provided by law.

Affiant is the petitioner seeking relief from state court conviction in case 186CR10969 now pending in habeas proceedings. Affiant knows the statements and facts herein and hereto to be correct in substance and belief to the best of affiant's personal knowledge therein.

Affiant so subscribe herein so being under penalties as provided by law pursuant to 750 ILCS 5/1-109 of the Code of civil procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct, except as to matters the undersigned certifies as aforesaid that affiant verily believe the same to be true.

Affiant sayee not;

Date August 20, 2008

Clarence Trotter

CLARENCE CHARLES TROTTER #A634323

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NOTICE AND PROOF OF SERVICE

TO:

Charles Redfern
Assistant Attorney General
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601-3218

The undersigned certifies that the foregoing instrument was served upon all parties to the above entitled cause by depositing a copy in the U.S. Mail postage prepaid in envelope addressed to the above person named at the above address on August 29, 2008 by depositing same in the U.S. Mail at Stateville Center, P.O. Box 112, Joliet, Illinois 60434.

CLARENCE CHARLES TROTTER PRO SE
P.O. BOX 112 #A63323
Joliet, Illinois 60434